IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

Bail Appl..No. 1962 of 2007()

O.R.2/2007 OF MURINJAPUZHA FOREST STATION

: PETITIONER/ACCUSED

---

1. KABEER, THOTTAKKARA, AGE 37 YEARS,
   S/O.ISMAIL, KANYANKAVAYAL P.O.,
   KOMBANPARA.

2. SULAIMAN, THOTTAKKARA, AGE 44,
   S/O.ISMAIL, NEDAIKKAL P.O.,
   ERATTUPETTA.

3. RAJU THOMAS, KUZHUMPLACKAL,
   PALOORKKAVU.P.O., THEKKEMALA,
   CONAMALA.

4. JOSEPH THOMAS, AGED 23, MALAYAPARAMBIL,
   PALLOORKAVU P.O., THEKKEMALA.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1962/2007

Dated this 11th day of April, 2007

O R D E R

The petitioners, who are accused Nos. 1, 2, 4 and 3 respectively in O.R.No.2/2007 of Murinjapuzha Forest Station for an offence punishable under Section 27(i)(e)(iii) and (iv) of the Kerala Forest Act, 1961, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application submitting inter alia that the petitioners had trespassed upon the reserve forest and cut and removed a rosewood tree.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer, namely Forest Range Officer, Erumeli, for the purpose of interrogation and then to have their application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 18.4.2007 and 20.4.2007 for the purpose of interrogation. The petitioners shall thereafter, be produced on

the same day before the Magistrate having jurisdiction, who shall shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same day on which the applications are filed.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs